

DRUG COURT DEFERRED JUDGMENT INFORMATION SHEET

If you have been charged with a crime involving possession of a controlled substance/drug paraphernalia, you may be eligible to participate in the City of Wichita's Drug Court Deferred Judgment Program. Under this program you must enter a plea of guilty to the charges and sign an agreement to fully participate in the Drug Court for a period of 12 months. You will be evaluated by drug counselors. You must follow any and all recommendations made by the counselors. You must attend all review hearings as scheduled by the Drug Court. You must follow all of the orders of the Drug Court Judge. If at any point you violate any of the conditions of the deferred judgment agreement the Drug Court may impose sanctions to include jail time. Repeated noncompliance will result in termination from the program. As a result the Court will impose judgment and sentence against you based upon your prior plea of guilty. However, if you successfully complete the program you will be permitted to withdraw your plea of guilty. At that time the City Attorney will dismiss the charges with prejudice and you will not receive a conviction.

To be eligible for participation in the Deferred Judgment program you must meet the following conditions:

You have never participated in a Diversion or Deferred Judgment Program for a similar offense.

You **must** apply for Deferred Judgment **within 7 days** from your initial appearance for a crime involving a drug offense.

For the purpose of this Deferred Judgment program, a crime involving a drug offense is defined as set forth in Chapters 5.26 and 5.28 of the Code of the City of Wichita.

If your application for Deferred Judgment is accepted, you must enter a plea of guilty to the charge (s) against you. The City will then ask the court to defer judgment and sentencing on that plea for a period of one year. During that one-year period you must fully participate in the Drug Court and comply with all requirements of the Drug Court. This will include the following:

1. No violations of the law of this state, municipality or other jurisdiction.
2. Refrain from all use of alcohol or prescription/non-prescription drugs, other than as prescribed by a physician. The Treatment Provider personnel and the probation officer must be notified immediately about the use of any prescribed medications.

3. PAY ALL COSTS, FEES AND FINES:

Fine	\$ 50.00
Deferred Judgment Fee	\$ 210.00
Court Costs	\$ <u>50.00*</u>
TOTAL	\$ 310.00

* You will be responsible for all additional court cost incurred during the course of your case.

4. Agree to pay the total costs for treatment in accordance with the terms of Treatment Provider.

5. Agree to waive your constitutional rights to a formal arraignment, speedy trial and a jury trial on the charges against you.

6. Attend and successfully complete the counseling program ordered by the Court. Comply with all treatment conditions and attend all appointments/meetings as stipulated by Treatment Provider.

7. Attend all Drug Court review hearings.

8. Comply with any additional conditions the Drug Court orders. The Drug Court may impose any legal sanctions for violations of any condition of the Deferred Judgment Agreement, including but not limited to, jail time, community service, increased urinalysis, curfew, additional review hearings before the court, and increased reporting to treatment and/or probation officer.

9. Submit to urinalysis as directed by the probation officer, treatment provided and/or the Court. Tampering with urinalysis screening in any way will result in immediate sanctioning and or unsuccessful discharge (termination) from the program. "Tampering" of a sample is not limited to the adulteration of a given sample but would include any action taken by an individual that could result in a false negative result on a drug screen.

Prior to approval for the Drug Court Deferred Judgment program you must submit to a drug evaluation by Treatment Provider. In addition, the attached application must be completed and submitted to the City Prosecutor's Office - 2nd Floor, City Hall, 455 N. Main, within 24 hours of your next court date. Failure to submit this application or submit to an evaluation prior to your next court date will result in denial of your application for Deferred Judgment.

In considering whether a defendant should be placed in the Deferred Judgment program, the City Attorney shall consider the following factors:

1. The defendant has no history of committing crimes against persons.

2. The nature of the crime charged and the circumstance surrounding it:
3. Any special characteristics or circumstances of the defendant;
4. Whether the defendant is a first - time offender and if the defendant has previously participated in any drug diversion or drug deferred judgment program in any jurisdiction;
5. Whether there is a probability that the defendant will cooperate with and benefit from the Drug Court program.
6. Whether the available deferred judgment program is appropriate to the needs of the defendant;
7. Impact of the deferred judgment of the defendant on the community;
8. Recommendations, if any, of the involved law enforcement agency;
9. Recommendations, if any, of the victim;
10. Provisions for restitution;
11. Any mitigating circumstances;
12. Severity of injuries to victim;
13. Prior psychological, psychiatric and chemical treatments or counseling programs;
14. The defendant's criminal history;
15. The recommendations of Treatment Provider.
16. The interest of justice.
17. Availability of the treatment provider.